

## DECLARATION AND POWER OF ATTORNEY

I, a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought in the application entitled

Tissue Distraction Device

the specification of which \_\_\_\_\_ is attached hereto.  
\_\_\_\_\_ X \_\_\_\_\_ was filed on March 31, 2004 as  
United States Application Serial No. 10/813,819 or  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>60/459,036</u>	<u>March 31, 2003</u>
Application Number	Filing Date
_____	_____
Application Number	Filing Date

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)(Patented, Pending, Abandoned)
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And I hereby appoint Paul J. Maginot, Registration No. 34,984, Harold C. Moore, Registration No. 37,892, Michael D. Beck, Registration No. 32,722, David M. Lockman, Registration No. 34,214, David B. Quick, Registration No. 31,993, James D. Wood, Registration No. 43,285 and Robert Rodrick, Registration No. 27,086 as attorneys of record with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please direct all communications regarding the application to:

Michael D. Beck, Esq.  
Maginot, Moore & Beck  
111 Monument Circle, Suite 3000  
Bank One Center/Tower  
Indianapolis, Indiana 46204-5130  
Telephone (317) 638-2922  
Facsimile (317) 638-2139

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

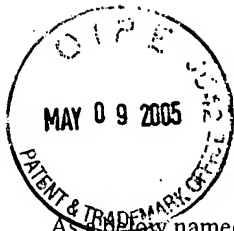
Full name of first inventor Spanky A. Raymond  
Inventor's signature *Spanky A. Raymond* Date: 4/26/04  
Residence 2513 Greenview Drive, Uniontown, OH 44685  
Citizenship United States of America  
Post Office Address same as above

Full name of second inventor Frank S. Bono  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 1735 Linkenholt Cove, Collierville, TN 38017  
Citizenship United States of America  
Post Office Address same as above

Full name of third inventor Thomas G. Wilson  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 24 Overlook Ln., Guilford, CT 06437  
Citizenship United States of America  
Post Office Address same as above

Full name of fourth inventor Joseph Logan  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 10 Mallett Dr., Trumbull, CT 06611  
Citizenship United States of America  
Post Office Address same as above

Full name of fifth inventor Steven J. Wysocki  
Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
Residence 65 Horace St., Stratford, CT 06611  
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Application Number	Filing Date

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Full name of first inventor Spanky A. Raymond

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Residence 2513 Greenview Drive, Uniontown, OH 44685  
 Citizenship United States of America  
 Post Office Address same as above

Full name of second inventor Frank S. Bono

Inventor's signature [Signature] Date: April 24, 2004  
 Residence 1735 Linkenholt Cove, Collierville, TN 38017  
 Citizenship United States of America  
 Post Office Address same as above

Full name of third inventor Thomas G. Wilson

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